

January 9, 1976

PRESIDENT: Senator Fowler, would you close debate please by reply.

SENATOR FOWLER: In response to the debate, I would indicate to Senator Dickinson and other Senators, reiterate the point that if this bill did not pass school districts would still be under an obligation to try and come up with some sort of procedure. We provide here a uniform guideline, a system that would be recognized across the state, one that could be tested in court, one, from what I can tell, would survive that test, to be used in the school district. It creates classifications for short term suspension, long term suspension and expulsion. With each of those, as the penalty gets more severe, the requirements for due process get more stringent. It creates a hearing procedure. It follows most of the basic guidelines for due process that have been established by our courts. Without the bill, the school districts would have to try and develop this whole thing on their own. I think Senator Burrows is right. That if there is any school districts that are going to have trouble with this area, it is going to be the small school district. Without this bill, they are going to have to ask their local attorney to review all the court decisions and try and come up with their own process. Without that, sooner or later, they are going to be challenged in court on the suspension of a student and they may have to pay damages and the repercussions are going to be far more serious than the passage of this bill. That really is the reason that this bill is here. I think the Education Committee voted it out because they knew that it was inevitable that something like this be passed. Senator Marsh's point, I think, is very well taken, that the established organizations such as the School Board Association, or the Omaha School District, or the Lincoln School District, or the outstate school districts, if they had severe problems with this bill, they would have brought it to the attention of this Legislature during the interim. I spoke to the School Board Association at their convention. There are some people that do not really appreciate having the courts mandate this sort of thing on them but they know that it is their responsibility to do this now, that it is, in fact, the law. What this does is simply write into statute what the courts have already decreed. I would move that it advance from General File.

PRESIDENT: The question is, shall the bill be advanced? Record your vote. Have you voted? Record.

CLERK: 28 ayes, 5 nays.

PRESIDENT: The bill is advanced.

CLERK: LB 584 introduced by the Judiciary Committee and signed by the members thereof. Read title. There are no Committee amendments or other amendments pending.

PRESIDENT: Senator Luedtke.